IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.386 OF 2004.

1. Shantaram Ramchandra Sankulkar
2. Mr.Vasant Ramchandra Sankulkar
both R/o. Kothare,
Taluka Dapoli ..Appellants

versus

1. Ujwal Krishnath Hedulkar
2. Ajay Krishnath Hedulkar
3. Sushila Dashrath Sankulkar
4. Shantaram Rajendra Sankulkar
5. Vasant Ramchandra Sankulkar
6. Dattatraya Ramchandra Sankulkar
7. Baliram Ramchandra Sankulkar
7A. Anil Baliram Sankulkar
7B. Ankush Baliram Sankulkar ..Respondents.

Mrs.Gauri Jadhav for the Appellant

Mr.N.N.Gawankar with Arfan Saif for the respondent

Coram : S.R.Sathe, J.
Dated : 20th December, 2006

P.C.

1. Heard learned Advocate for the appellant-original plaintiff. Admittedly, suit for declaration was filed by the plaintiff that the will executed by Sumitra is null and void because at the time of execution of the will she was not of sound mind and was not in state of disposing condition. The learned Advocate for the appellant also argued before me that some of the properties bequeathed by

Sumitra were infact, not owned by Sumitra. However, the learned advocate was unable to point out specific pleading in that behalf. The trial court has negatived the case of the plaintiff and has recorded the finding that at the relevant time Sumitra was in fit state of mind to execute the will. The said finding of fact is confirmed by the first appellate court. There is nothing on record to show that the appreciation of evidence of the courts below is perverse or that they have not taken into consideration any particular evidence on record. No error of law has been pointed out by the learned Advocate for the appellant. Hence, there is no substantial question of law involved in this appeal.

The appeal is dismissed in limine.

(S.R.Sathe, J.)